IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

WP(C).No. 32720 of 2007(T)

PETITIONER:

ELAMAKKARA NSS KARAYOGAM NO.2124,
ELAMAKKARA P.O., ERNAKULAM 26, REPRESENTED BY
ITS PRESIDENT RAJEEV, S/O. SANKUNNY MENON,
SREEVALSAM, ELAMAKKARA P.O.

BY ADV. SRI.K.G.BALASUBRAMANIAN
SMT.AMBILY PREMKUMAR

RESPONDENTS:

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1. THE DEPUTY SECRETARY,
REVENUE (A) SECTION, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
ERNAKULAM.

3. THE TAHSILDAR,
KANAYANNUR TALUK, ERNAKULAM.

4. THE STATE OF KERALA, REPRESENTED BY
SECRETARY, MINISTRY OF REVENUE,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER MR. I.V. PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 32720 OF 2007 T
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Dated this the 5th November, 2007

J U D G M E N T

The challenge in this writ petition is against Ext. P12 order by which the petitioner is called upon to vacate from the 6.162 cents of land in which the petitioner has already constructed a building which houses a library. On receipt of Ext. P12 petitioner has submitted Ext. P13, objecting to the order requiring them to vacate from the plot. The principal contention that is raised before me is that Ext. P12 order has been passed even without giving a notice or an opportunity to make their objections. A reading of Ext. P12 itself discloses that no such notice has been given. If that be so, the order has to be held as one passed in violation of the principles of natural justice. Accordingly, the writ petition is disposed of with the following directions:

That Ext. P12 order passed by the 4th respondent shall be treated as notice and no action for vacating

the petitioner from the plot shall be taken on the basis of Ext. P12. Ext. P13 response from the petitioner to Ext. P12 will be treated as the petitioner's objection. On the basis of Exts. P12 and P13, the 4th respondent shall give notice to the petitioner affording it an opportunity of hearing on the proposal in Ext. P12. Thereafter adverting to their contentions fresh order shall be passed by the 4th respondent in the matter.

ANTONY DOMINIC
JUDGE

jan/-